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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/039,176	03/13/1998	CAROL MARY RINES		9263

7590

10/18/2002

RINES AND RINES
81 NORTH STATE STREET
CONCORD, NH 03301

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/039,176

Applicant(s)

RINES ET AL.

Examiner

David D. Davis

Art Unit

2652

TH

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 14,16-20 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14,16-20 and 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14, 26-20 and 22-36 are 103(a) as being unpatentable over Ishikawa et al (US 4,698,838) in view of Dubus (US 4,731,811). Ishikawa et al shows in figure 1 steering wheel region 4 and vehicle cellular radio telephone 2 for use by a driver in a vehicle.

Ishikawa et al is silent, however, as to a voice controlled switching mechanism programmed with and responsive to a plurality of pre-designated separate voice commands for operation of an "entertainment deck" and cellular radio telephone.

Dubus shows in figures 1-3 voice controlled switching mechanism 2 and 3 programmed with and responsive to a plurality of pre-designated separate voice commands for operation of "entertainment deck" 8 and 9 and cellular radio telephone 12.

It would have been obvious to a person having ordinary skill in the art the time the invention was made to provide the cellular radio telephone in the steering wheel of Ishikawa et al with a voice controlled mechanism as taught by Dubus. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a cellular radio telephone in a steering wheel with a voice controlled mechanism to provide a hands-free telephone system. See column 1, line 40 through line 5 of column 2.

Response to Arguments

3. Applicants' arguments filed January 7, 2002 have been fully considered but they are not persuasive. Applicants' assert on page 8, in the first full paragraph with reference to Ishikawa et al that "There is not the slightest word, suggestion or even hint . . . of voice-controlled switching means disposed at said steering wheel region for enabling the activating and deactivating of the cellular radio telephone." Applicants' assert on page 9 in the first paragraph the following:

Admittedly finding the patent to Ishikawa et al so lacking in anticipation of applicants' invention, the Office, with actually (and improperly) only the hindsight of applicants' teachings, believes it finds in the Dubus patent the necessary teaching that can "obviously" be incorporated into the system of Ishikawa et al--magically, totally to anticipate applicants' invention and their claims.

It is curious that applicants have not stated that Dubus does not show what Ishikawa et al is silent to--a voice controlled switching mechanism. Again, as stated above, Dubus shows in figures 1-3 voice controlled switching mechanism 2 and 3 programmed with and responsive to a plurality of pre-designated separate voice commands for operation of "entertainment deck" 8 and 9 and cellular radio telephone 12. Furthermore, Dubus patent is not magically incorporated into the system of Ishikawa et al to anticipate applicants' invention and claims. Applicants

Art Unit: 2652

claimed invention is **obvious** of over Ishiskawa et al in view of Dubus to a skilled artisan because a skilled artisan would have been motivated to provide a cellular radio telephone in a steering wheel with a voice controlled mechanism to provide a hands-free telephone system. See column 1, line 40 through line 5 of column 2. As stated supra.

Conclusion

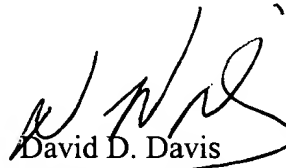
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Mon., Tues., Thurs. and Fri. between 7:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Art Unit: 2652

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900. Any other inquiry should be directed to the customer service center whose telephone number is (703) 306-0377.



David D. Davis
Primary Examiner
Art Unit 2652

ddd
October 17, 2002